

05 CV 5231

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JUDGE SWAIN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

- against -

AMERINDO INVESTMENT ADVISORS INC.,
ALBERTO WILLIAM VILAR, and GARY
ALAN TANAKA,

Defendants.

05 Civ. _____ ()

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**EMERGENCY APPLICATION FOR A TEMPORARY
RESTRAINING ORDER, PRELIMINARY INJUNCTION,
ORDER TO SHOW CAUSE, AND OTHER RELIEF**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Securities and Exchange Commission ("Commission") hereby applies to this Court for an order:

(1) directing defendant Amerindo Investment Advisors Inc. ("Amerindo") ("the Defendant") to show cause why an order should not be entered, pending a final disposition of this action:

(a) preliminarily enjoining:

(i) Amerindo from violating Section 17(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. § 77q(a); Section 10(b) of the Securities

Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. §§ 78j(b), and
Exchange Act Rule 10b-5, 17 C.F.R. § 240.10b-5;

(ii) Amerindo from violating Sections 206(1), 206(2) and 206(4) of the
Investment Advisers Act of 1940 (“Advisers Act”), 15 U.S.C. §§ 80b-6(1),
80b-6(2) and 80b-6(4);

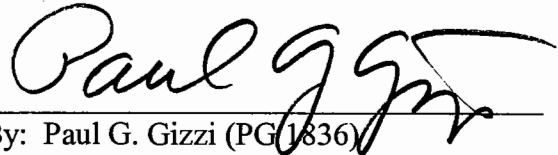
- (b) appointing a temporary receiver over Amerindo;
 - (c) directing Amerindo to provide a verified accounting immediately; and
 - (d) prohibiting the destruction or alteration of documents; and
- (2) pending adjudication of the foregoing, an Order:
- (a) temporarily restraining Amerindo from violating the aforementioned statutes and
rules;
 - (b) appointing a temporary receiver over Amerindo;
 - (c) providing that the Commission may take expedited discovery in preparation for a
hearing on this Order to Show Cause;
 - (d) directing Amerindo to provide verified accountings immediately; and
 - (e) prohibiting the destruction and alteration of documents.

The grounds supporting this application are fully set forth in the accompanying
Memorandum of Law in Support of Plaintiff’s Emergency Application for a Temporary
Restraining Order, Preliminary Injunction, Order to Show Cause, and Other Relief, the

Declarations of Elzbieta Wraga and Paul G. Gizzi and exhibits attached thereto. A proposed form of Order is filed herewith.

Dated: New York, New York
June 1, 2005

Respectfully submitted,
Mark K. Schonfeld (MS-2798)

A handwritten signature in black ink, appearing to read "Paul G. Gizzi", written over a horizontal line.

By: Paul G. Gizzi (PG1836)

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